IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.1431 OF 2007

Shri.Jayendra Chandulal
Thakker ..Applicant
Vs.
State of Maharashtra & Anr. ..Respondents

...
Mr.A.H.H.Ponda Advocate for Applicant
Mr.Rajesh More A.P.P. for the State
Mr.D.N.Salvi counsel for Respondent No.2
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 12, 2007

P.C.

1. Heard the learned advocate for the applicant

and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.C.No. 34/CW/2004 / RA No.276 of 2001. The said case pertains to the customs AIU Unit. While travelling to Singapore, the applicant came to be arrested on 15.8.2001 in connection with smuggling of Indian Currency and foreign exchange to the tune of approximately Rs.21 lakhs. As the offence under Section 135(1)(2) was made out, the applicant came to be arrested on 15.8.2001. Thereafter, applicant came to be released on bail. On 14.3.2006, again the applicant came to be intercepted by the Customs Officers at Sahar Air Port when he was going abroad. He was found in possession of foreign

currency equivalent to approximately Rs.33 lakhs. Hence, the applicant came to be arrested in R.A.No.28 of 2006 which was later numbered as Case No.15CW/2006. In both the cases, the investigation is over and charge sheets have been filed. As the applicant was found to have committed another crime after he was released on bail in the first case, an application was made for cancellation of his bail in the present case and the bail granted to him, came to be cancelled by order dated 24.6.2006. Since then, the applicant is in custody. It is apprehended by the Investigating Agency that if the applicant is released on bail, the applicant may again indulge in similar smuggling activities. Hence, it is prayed that the applicant should not be released on bail.

3. The present case relates to an offence under Section 135(1)(ii) of the Customs Act. The maximum period of punishment in the said offence is three years. The applicant has already undergone almost half of the period of imprisonment in this case. The trial is not likely to commence in the near future. In my view, if the applicant is made to report to the Investigating Agency on every alternate day, then the apprehension of the

Investigating Agency would not arise because in such case, the applicant would not be able to travel abroad and thus indulge in smuggling currency. Looking to all the above facts, I am inclined to release the applicant on bail.

4. The applicant-Jayendra Chandulal Thakker to be released on bail in the sum of Rs.1,00,000/- (Rs.one lakh only) with one or two sureties to make up the said amount in C.C.No.34/CW of 2004 pertaining to R.A.No. 276 of 2001 of AIU Unit.

5. The applicant shall report to the Customs AIU Unit, Sahar Air Port, Mumbai on every Monday, Wednesday and Friday, till the disposal of the trial. The passports of the applicant are already with the Customs Department, they shall remain with the Customs Department till the final disposal of the trial. The applicant shall not leave Mumbai without prior permission of the Investigating Officer.

6. Application is disposed of.

[Smt. V.K.Tahilramani, J.]